

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

XXXXXXXXXXXXXXXXXXXXXX,

Plaintiff,

v.

Case No. XXXXXXXXX

Division 3

Chapter 60

XXXXXXXXXXXXXXXXXXXXXX,

Defendant,

CASE MANAGEMENT ORDER

Now on this 22nd day of February, 2012, after review of the court file and consultation with counsel, the Court enters the following orders and deadlines which will govern the discovery in this case:

1. **TRIAL SETTING:** This case is set for trial beginning the week of August 17, 2012. The length of trial will be 3-4 days.

2. **DISCOVERY DEADLINE:** All discovery in this case shall be completed on or before the 12th day of June, 2012. No written discovery may be served by any party after the 11th day of May, 2012, absent agreement of the parties or order of this Court.

3. **PRELIMINARY WITNESS AND EXHIBIT LIST:** The parties shall file and serve on all other parties, a preliminary list of witnesses and exhibits on or before the 11th day of May, 2012. Any witness known to a party as of this deadline

who may be reasonably anticipated to be called as a witness and who is not listed may be excluded at trial. Similarly, exhibits that are not listed that are known to a party as of this deadline may be excluded at trial. A deadline for filing and exchanging a final witness and exhibit list shall be established at the Pre-Trial Conference.

4. **EXPERT WITNESSES:**

A. The plaintiff must file and serve on all other parties, a designation of expert witnesses on or before the 20th day of February, 2012. Such designation must include the name and business address of each expert witness. In addition, the designation must state the subject matter on which each designated expert is expected to testify, the substance of the facts and opinions of the expert and a summary of the grounds for each opinion.

Along with the designation, counsel for plaintiff must provide at least two dates that each expert is available to have his/her deposition taken within 30 days of the service of the expert designation. If for some reason, the parties cannot agree upon a date for the deposition of an expert witness within 30 days of the service of the expert designation, counsel must contact the Court for a conference call to set a deposition date for the expert witness.

B. The defendant must file and serve on all other parties, a designation of expert witnesses on or before the 10th day of April, 2012. Such designation must

include the name and business address of each expert witness. In addition, the designation must state the subject matter on which each designated expert is expected to testify, the substance of the facts and opinions of the expert and a summary of the grounds for each opinion.

Along with the designation, counsel for defendant(s) must provide at least two dates that each expert is available to have his/her deposition taken within 30 days of the service of the expert designation. If for some reason, the parties cannot agree upon a date for the deposition of an expert witness within 30 days of the service of the expert designation, counsel must contact the Court for a conference call to set a deposition date for the expert witness.

C. If any party wishes to call plaintiff's treating physician(s) to render opinions regarding deviations from the standard of care, causation or future events (i.e. future medical treatment, future medical expenses, future disability, future pain and suffering, etc.,) such treating physician must be designated as an expert witness as provided in subparagraph A above.

D. Any party who has an objection to the form of another party's expert designation, must file such objection with the Court within ten (10) days of receipt of such expert designation. If the objection is not timely filed, it is waived. The parties are mutually responsible for contacting the Court to set a hearing on the objection.

5. **MOTIONS TO AMEND:** Any motions to amend the pleadings and/or join parties must be filed on or before the 24th day of April, 2012. Absent agreement of the parties, no such motions will be granted after this date. Any motion to extend this deadline must be filed prior to this deadline.

6. **MOTIONS:**

A. **Dispositive Motions:** Any dispositive motion must be filed no later than the 1st day of May, 2012. Such motion and any response thereto, must be in compliance with Kansas Supreme Court Rule 141, or it will not be considered.

B. **Motions To Compel Discovery:** Any motion to compel discovery must be filed within 45 days of the default, service of response, answer or objection that is the subject of the motion. If the motion is not filed within this time, the motion will not be considered. Prior to filing the motion, counsel for the moving party must contact the Court to schedule a conference call so that the Court can discuss with counsel for all parties, the issues that will be addressed in the motion. Any such motion must recite with particularity, the communications or attempted communications aimed at resolving the discovery dispute prior to the filing of the motion, or it will not be considered. The Motion must also recite the date of the conference call above-referenced.

C. Other motions: If a motion is filed, and neither the Kansas Statutes, nor the Kansas Supreme Court Rules clearly set forth a deadline for a response to such motion, the deadline shall be 14 calendar days after service of the motion.

D. Any motion (other than a motion to dismiss, motion for judgment on the pleadings, motion for summary judgment or motion to compel) must contain a statement that counsel for the moving party has attempted to consult with opposing counsel, the result of those attempts, and whether or not opposing counsel agree(s) to the relief sought in the motion.

E. The moving party shall not provide a proposed journal entry relating to the motion filed, unless the journal entry is signed by all counsel of record in the case, or, the motion recites specifically that all counsel of record have been consulted, and that they agree to the relief granted in the proposed journal entry.

F. The parties must comply with Johnson County District Court Local Rule 8.

G. Scheduling motions: Any party who desires a hearing for oral argument on any motion filed is responsible for contacting the Administrative Assistant for Division 3 to schedule such hearing. Such party must then send written notice of the hearing to all other parties.

7. **PRE-TRIAL CONFERENCE:** A Pre-Trial Conference shall be held on the 16th day of June, 2012, at 11:00 a.m. The parties must comply with Johnson County District Court Local Rule 13.

8. **SETTLEMENT CONFERENCE:** The parties shall participate in a settlement conference/mediation prior to the Pre-Trial Conference. Failure to participate in a settlement conference/mediation prior to the Pre-Trial Conference may result in a dismissal of the case, a dismissal of a parties' claims or defenses, continuance of the trial date, or other sanctions to be determined by the Court. The parties may schedule a settlement conference/mediation with any other district court judge, any retired district court judge, or any other mediator who may be agreed upon by the parties. If the parties cannot agree upon a mediator, the Court will appoint one.

9. **INDEPENDENT MEDICAL EXAMINATION:** If the defendants wish to conduct an independent medical examination, such examination must be completed, and a report provided to counsel for all other parties, on or before the date defendants' expert witness designations are due.

IT IS SO ORDERED.

Dated: 2/22/12

Thomas Sutherland
Judge of the District Court
Division 3